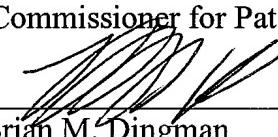


Applicant: Hey, John  
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For: SYSTEM FOR STEREOSCOPIC VIEWING OF AN IMAGE  
Examiner: Fineman, Lee A.  
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### **CERTIFICATE OF FILING**

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Brian M. Dingman

### **APPEAL BRIEF**

This brief is filed in support of Appellant's appeal from the decision of the Examiner dated October 17, 2006, rejecting all pending claims 14-19, 21-26, 41 and 42.

Appellant is a small entity under 37 C.F.R. §1.9 and 1.27. Therefore, an appeal fee of \$250.00 pursuant to 37 C.F.R. §41.20(b)(2) is enclosed.

#### **I. REAL PARTY IN INTEREST**

The real party in interest is Mr. John Hey.

#### **II. RELATED APPEALS AND INTERFERENCES**

To the best of Appellant's knowledge, no other appeals or interferences are pending which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

### **III. STATUS OF CLAIMS**

Claims 14-19, 21-26, 41 and 42 are pending in the subject application, and all stand rejected as obvious under 35 U.S.C. 103(a) over Margulis et al., US Patent No. 6,340,994 B1 in view of Craig, US Patent No. 4,740,836. These are the claims being appealed.

Claims 1-13, 20, 27-40 and 43 were previously canceled without prejudice.

### **IV. STATUS OF AMENDMENTS**

No amendments have been filed subsequent to the final rejection.

### **V. SUMMARY OF CLAIMED SUBJECT MATTER**

The invention of independent claim 14 is a system for stereoscopic viewing of an image. The system comprises “means for displaying upon a generally flat surface a conventional stereoscopic pair of images, proximate but separately from one another.” An example of this display is shown in FIG. 12F, described at page 10 lines 21-24 (paragraph [0047]<sup>1</sup>). The definition of the phrase “conventional stereoscopic pair of images” is found at page 4 lines 20-24 (paragraph [0024]). Structure corresponding to the function of this means plus function element includes: media such as TV, movies, video games, computer screens, electronic displays, printed pages, drawings, paintings and murals (page 4 line 25 through page 5 line 5 (paragraph [0025])); an ordinary graphic surface such as a printed page (page 5 lines 6-7 (paragraph [0026])); broadcast onto TVs or offset printed (page 6 lines 7-8 (paragraph [0028])); and TVs and CRTs (page 10 lines 15-17 (paragraph [0047])). This means results in the display of two images of a single subject representing the perspective of the two different eyes of the viewer.

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<sup>1</sup> As 37 CFR 41.37(c)(1)(v) requires reference to the specification by page and line number, the references herein are to the pages of the specification as filed. The specification as filed has paragraph numbers that do not match the paragraph numbers of the publication of the application. Accordingly, the parenthetical references to paragraph numbers refer to the numbering in the specification as filed.

The invention also comprises “means for improving the stereoscopic match between the two images as viewed, by distorting at least one of the images.” Acts corresponding to the function of this means plus function element include: image projection (page 7 lines 5-10, (paragraph [0034])); manipulation of the pixels of a computer graphics file of the image (page 7 lines 10-11, paragraph [0034]); and maneuvering an image’s pixels (page 9 lines 25-29, paragraph [0045]).

Examples of original images, the distortion problem solved by the invention, and distorted images useful in the invention of claim 14, are described and shown at: page 7 lines 12-21 (paragraph [0035]) and corresponding Figs. 6A-6D; page 8, last line through page 9 line 16 (paragraphs [0043] and [0044]) and corresponding Figs. 9A-9D; and page 9 line 29 through page 10 line 24 (paragraphs [0045 through 047]) and corresponding Figs. 10A-10C, 11A and 11B, and 12C-12G.

Because the optical axis of one or both eyes of the viewer is re-angled by the optical device, the viewing angle can make a conventionally displayed image appear distorted. For example, an image that is rectangular when viewed straight on, as shown in FIG. 5A, appears trapezoidal when viewed from above its center, as shown in FIG. 5C. This is due to the fact that the top of the image is closer to the user’s eye than is the bottom of the image, making the image appear trapezoidal, with the larger base of the trapezoid at the top, and the smaller base at the bottom. This distortion will cause the image viewed by one eye to differ from the image viewed by another eye, thus affecting the stereoscopic match between the two images.

The means of this element of claim 14 distorts at least one of the images to improve the stereoscopic match between the two images. An example of the distortion is shown in FIGS. 6B and 6C. FIG. 6B corresponds to FIG. 5C in that it illustrates the keystoning distortion that would

occur when a rectangular image as shown in FIG. 6A is viewed from above center. An example of the image distortion of the invention is shown in FIG. 6C. This is a reverse-distortion, in which the image resembles a reciprocally keystoned trapezoid (i.e., effectively the reverse of FIG. 6B) as shown in FIG. 6C. When the image of FIG. 6C is viewed from above center, it appears rectangular as shown in FIG. 6D. In the claimed invention, at least one of the images is deliberately distorted to achieve an improvement in the stereoscopic match between the two images.

The invention of claim 14 also comprises an optical device adapted to be placed in front of and proximate to a viewer's eyes. The optical device comprises "means for re-angling the optical axis for at least one eye so that each eye generally targets the center of a respective one of the pair of images." The structure corresponding to this claim element includes mirrors and prisms, as described and shown at: page 5 lines 12-17 (paragraph [0026]) and Fig. 1C; page 5 lines 24-30 (paragraph [0027]) and Fig. 2C; page 6 lines 3-6 (paragraph [0028]) and Figs. 3B-3D; page 6 lines 10-18 (paragraph [0029]) and Figs. 4A and 4B; and page 7 line 24 through page 8 line 28 (paragraphs [0037] through [0042]) and Figs. 7A, 7B, 7C and 8.

An example is shown in FIG. 2C. Mirror pair 25 and 26 redirects the nominally horizontal optical axis of the user's right eye up toward the center of upper image 28. Thus, by gazing directly at lower image 27, the user effectively sees both images as if the optical axis of each of the user's eyes was directly at the center of each image. In fact, however, in this case the optical path for the user's right eye is actually at an upward angle, as if the user was looking at the upper image from below its center. This viewing angle results in keystoneing distortion of the type shown in FIG. 5C (except that in this example the image would be viewed from below

rather than above, so that the shape of the trapezoid would be reversed 180° as compared to the shape shown in FIG. 5C). Keystoning distortion is described in more detail below.

Claims 41 and 42 are for an image display structure. The claims are directed at displaying a conventional stereoscopic pair of images with at least one image deliberately distorted prior to display, such as described above. In claim 41, this distortion counteracts distortion caused by the viewer's perspective relative to the image. In claim 42, this distortion counteracts image mismatch caused by a viewing device. An example of a distortion introduced by the viewing device is described in paragraph [0044]. The generalization of the distortion that counteracts both the viewer's perspective (relative to claim 41) and the image-mismatch caused by a viewing device (relative to claim 42) is described paragraph [0045] with reference to FIG. 10.

## **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

1. Whether claims 14-19, 21-26, 41 and 42 are unpatentable under 35 U.S.C. § 103(a) over Margulis, US Patent No. 6,340,994 B1 in view of Craig, US Patent No. 4,740,836.
2. Whether the combination of these two references made by the Examiner is proper under the law.

## **VII. ARGUMENT**

### **A. Sole Ground of Rejection**

**1. Group I of the claims, consisting of claims 14-17 and 21-26, were rejected as unpatentable under 35 U.S.C. 103(a) over Margulis in view of Craig.**

**a) The references as combined do not teach each element of claim 14**

Claim 14 has a "means for improving the stereoscopic match between the two images as viewed, by distorting at least one of the images." Neither Margulis nor Craig discloses any such means. In order for references to make a claim obvious under 35

U.S.C. § 103, the combination of the references must disclose each element of the claim.

The combination of the two references does not disclose this element of claim 14.

Accordingly, the claim must be patentable, as then must be dependent claims 15-19 and 21-26.

Neither Margulis nor Craig makes any mention of improving the stereoscopic match between two images of a stereoscopic display. Accordingly, the references as combined by the examiner do not directly disclose this element of claim 14.

Margulis relates solely to "digital image display systems". The present invention, however, relates merely to a stereo-pair displayed on a "generally flat surface", irrespective of whether that image-pair is digital or not. Indeed, Margulis's techniques seek to improve any digital display, including some the present invention might employ (e.g., TVs and monitors); but the two inventions are related only in the sense that the present invention, like any display application, naturally prefers the best possible general image quality.

The examiner on page 2 of the office action states that Margulis discloses a means for improving the stereoscopic match between the two images as viewed, by distorting at least one of the images, citing column 13 lines 36-43 and column 16 lines 42-50.

Margulis column 13 lines 36-43 discusses using Geometric Transformation 404 to improve stereoscopic display systems by constructing each of the monocular views "in accordance with the focus and motion adaptive filtering techniques described above." This text of Margulis addresses solely the use of multiple-camera views (specifically, the great plenitude of camera views inherent in auto-stereoscopic systems) to enhance each such view individually. The text cited as relating to stereoscopic display (column 4 lines

27-49) has as its aim digital image processing that can improve focusing for the multiple camera systems used in recording stereoscopic images. Thus, when read in the proper context, the cited text in column 13 lines 36-43 discloses the use of digital image processing to improve the image quality (focus and motion adaptive filtering) of the monocular images *per se*. There is most definitely no disclosure of distorting at least one of the images in order to improve the stereoscopic match between two images.

The examiner also cites to column 16 lines 42-67 in support of the argument that this means is disclosed in Margulis. This portion of Margulis is discussing Distortion Correction 510, which is part of Geometric Transformation 404 as disclosed in column 15 lines 47-50. Thus, Distortion Correction 510 is part of what accomplishes Geometric Transformation such as that disclosed in the column 13 lines 36-43 text discussed immediately above. In other words, Distortion Correction 510 is used to improve the image quality of each of the monocular views. Essentially, the aim of Margulis is to correct distortion, not introduce distortion as in the present claim.

The column 16 text mentions correcting keystone-type image distortion “so that, when projected, images on screen 260 will be proportioned properly” (col. 16 lines 42-50). Margulis thus corrects keystoning distortion when encountered in a display system. In column 16 lines 51-67 Margulis discusses correcting for radial distortion introduced by a lens system. The result is a smoother image. The aims of proper proportioning and smoothing are unrelated to stereo viewing. In contrast, the present invention of claim 14 deliberately introduces and exploits distortion such as keystoning, for example to enable the juxtaposition and stereo viewing of two large images.

To one skilled in the art, Margulis teaches correcting distortion, such as keystoneing and radial distortion, in order to improve image quality in all sorts of display applications, including improving the monocular images of a stereoscopic display. Margulis does not, either directly or inherently, teach means for improving the stereoscopic match between two images by distorting at least one of the images.

Craig does not distort the images for any purpose. Craig describes the use of two-mirror “periscopes” to view a vertically-arranged stereoscopic image-pair. However, Craig does not address a significant flaw in the method of viewing such vertically arranged images. To understand this flaw, notice that one eye views its respective image from a low angle (e.g., the left eye in Fig. 5 views the image from level with the center of the image), while the other eye views its image from a high angle (e.g., the right eye in Fig. 5 views from above the top of the image). This disparity distorts the stereoscopic meld of the two images, effectively giving the perceived 3D image a “twist” about its X-axis (which runs viewer-left to -right). As the present applicant has described, such a disparity may be negligible when the viewer-to-image distance is sufficiently large. But when the viewer is relatively close to the image (as required for an “immersive” viewing experience) the warping effect is pronounced.

By contrast, the present invention has the advantage of benefiting from the *smallest* practical periscope, which *increases* the aforementioned disparity. As a further advantage, a periscope can be provided for only *one* of the user’s eyes (claim 16), which introduces a new disparity, owing to unequal optical path lengths (because only one eye traverses the periscope “detour”).

*Both* of these disparities, however, are counteracted by the invention of claim 14 with its deliberate re-shaping (distortion) of at least one of the images prior to viewing. This unique approach relies on a single eye's inability to readily perceive depth (and thus to perceive that its target image may actually be tilted away at the top, e.g.). This makes the present invention especially suitable for immersive close-up viewing of images on typical "flat" media, e.g., computer, TV, or wall.

With respect to the deliberate pre-distortion of images, as described above Margulis can transform an image for display on a curved screen or correct for image distortion such as keystoneing or radial distortion. However, neither of the references disclose or suggest distorting one or both images to improve the stereoscopic match between two images that are viewed through an optical device that re-angles the optical axis for one or both eyes.

Accordingly, the references as combined by the examiner simply do not either directly or inherently disclose this element of claim 14. And, in order to make any claim obvious, the references as a whole must disclose every element of that claim. As neither reference discloses this means element of claim 14, combining the two references cannot be read as disclosing such element. The claim must therefore be patentable.

**b) The combination of the references is improper under the law**

The combination of these references in an attempt to recreate the invention of claim 14 is improper under the law. The examiner states on page 4 that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the specific optical device and image arrangement of Craig in the stereoscopic system of

Margulis et al. to eliminate the need to adjust for eye spacing of different viewers (Craig, column 2, lines 59-64) and provide the flexibility to view images in both two and three dimensions (Craig, column 2, lines 48-49).”

Margulis alters separate image portions, but the alterations improve each of the monocular views of the stereoscopic image. Thus, if the optical device of Craig was used in Margulis, there would still be no deliberate distortion of at least one of the images to improve the stereoscopic match between the images. As the combined references do not teach deliberate distortion, there is no motivation to combine the references relative to teaching claim 14. In fact, the clear teachings of the references themselves teach away from any such combination, making their combination clearly improper under the law of 35 U.S.C. § 103.

To establish obviousness, the differences between the subject matter of the invention and the prior art must be such that the subject matter of the claimed invention, *as a whole*, would have been obvious to one skilled in the art. (emphasis added)

McGinley v. Franklin Sports, Inc., 60 U.S.P.Q.2d 1001, 1007 (Fed. Cir. 2001) and Ruiz v. A.B. Chance Co., 57 U.S.P.Q.2d 1161 (Fed. Cir. 2000), both citing, 35 U.S.C. § 103(a). As a whole, the claimed invention is not obvious, and so is patentable, in light of the references.

When making any obviousness determination, there must be a suggestion or motivation to modify a prior art reference. “Determining whether there is a suggestion or motivation to modify a prior art reference is one aspect of determining the scope and content of the prior art, a fact question subsidiary to the ultimate conclusion of obviousness.” Ruiz v. A.B. Chance, 57 U.S.P.Q.2d at 1167, quoting, Sibia

Neurosciences, Inc. v. Cadus Pharma. Corp., 225 F.3d 1349, 1356, 55 U.S.P.Q.2d 1927, 1931 (Fed. Cir. 2000). The suggestion, teaching or reason cannot be based on hindsight in view of the claims. McGinley v. Franklin Sports, Inc., 60 U.S.P.Q.2d 1001, 1008 (Fed. Cir. 2001), citing, In re Dembiczak, 175 F.3d 994, 999, 50 U.S.P.Q.2d 1769 (Fed. Cir. 1999)“(guarding against falling victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher).”

In any obviousness determination, the patent examiner must determine the scope and content of the prior art, the differences between the prior art and the claims at issue, and the level of ordinary skill in the pertinent art, as established in *Graham v. John Deere*, 383 U.S. 1, 148 U.S.P.Q. 459 (1966). Patentability turns on whether the subject matter as a whole sought to be patented was obvious to one with "ordinary skill in the art to which the subject matter pertains" in light of the prior art. "In determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious." M.P.E.P. §2141.02, citing, *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 U.S.P.Q. 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 U.S.P.Q. 698 (Fed. Cir. 1983).

In reference to an obviousness determination, Section 2141 of the Manual of Patent Examining Procedure states the following:

When applying 35 U.S.C. § 103, the following tenets of patent law must be adhered to:

- (1) the claimed invention must be considered as a whole;
- (2) the references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;
- (3) the references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention and

(4) reasonable expectation of success is the standard with which obviousness is determined. *Hodosh v. Block Drug Co., Inc.*, 786 F.2d 1136, 1143 n.5, 229 U.S.P.Q. 182, 187, n.5 (Fed. Cir. 1986).

Furthermore, "[o]bviousness may be not established using hindsight or in view of the teachings or suggestions of the inventor." *Para-Ordnance Manufacturing, Inc. v. SGS Importers International, Inc.*, 73 F.3d 1085, 37 U.S.P.Q.2d 1237 (Fed. Cir. 1995). "To draw on hindsight knowledge of the...invention, when the prior art does not contain or suggest that knowledge, is to use the invention as a template for its own reconstruction--an illogical and inappropriate process by which to determine patentability." *Sensonics, Inc. v. Aerosonic Corp.*, 81 F.3d 1566, 38 U.S.P.Q.2d 1551 (Fed. Cir. 1996).

In the present case, in order to accomplish the invention of claim 14, one of ordinary skill would need to recognize a problem with either Margulis or Craig that those inventors did not recognize (image mismatch or a stereoscopic pair of images caused by re-angling at least one eye), and further would have to employ the image correction of Margulis to distort an image rather than improve it (which is the stated purpose of Margulis).

It is clear that the Examiner's combination of the two references in an attempt to reconstruct the invention of claim 14 is made without any suggestion in the art to make such combination. Thus, the combination was made using impermissible hindsight.

*Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 10044, 1051-52, 5 U.S.P.Q.2d 1434, 1438 (Fed. Cir. 1988) (it is impermissible to reconstruct the claimed invention from selected pieces of prior art absent some suggestion, teaching or motivation in the prior art to do so); *In re Rouffet*, 149 F.3d 1350, 1357, 47 U.S.P.Q.2d 1453, 1457 (Fed. Cir. 1998)

("rejecting patents solely by finding prior art corollaries for the claimed elements would permit an examiner to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention."). The Court of Appeals for the Federal Circuit in Pentec, Inc. v Graphic Controls Corp., 227 U.S.P.Q. 766 (Fed. Cir. 1985), stated that "prior art may not be gathered with the claimed invention in mind". Similarly, in In re Oetiker, 24 U.S.P.Q.2d 1443 (Fed. Cir. 1992), the Court noted:

Patent examination is necessarily conducted by hindsight, with complete knowledge of the applicant's invention, and the Courts have recognized the subjective aspects of determining whether an inventor would reasonably be motivated to go to the field in which the examiner found the reference, in order to solve the problem confronting the inventor . . . It is necessary to consider 'the reality of the circumstances', . . . - in other words, common sense - in deciding in which fields a person of ordinary skill would reasonably be expected to look for a solution to the problem facing the inventor . . . The combination of elements from non-analogous sources, in a manner that reconstructs the applicant's invention only with the benefit of hindsight, is insufficient to present a *prima facia* case of obviousness. 24 U.S.P.Q.2d at 1446.

In addition, stereoscopic image pairs have been known for many years. Yet, no one has ever deliberately distorted one or both images of a stereoscopic image pair in order to improve the stereoscopic match between the images. This in itself is evidence of nonobviousness. Arkie Lures Inc. v. Gene Larew Tackle Inc., 43 U.S.P.Q.2d 1294, 1297 (Fed. Cir. 1997) ("the years of use of [the prior art], without combining their properties, weighs on the side of unobviousness of the combination."). When the prior art in question has been widely available for many years to persons skilled in the art without any suggestion to modify or combine, such widely available prior art is itself evidence of nonobviousness. Ruiz v. A.B. Chance, 57 U.S.P.Q.2d at 1168, quoting, Panduit Corp. v.

Dennison Mfg. Co., 810 F.2d 1561, 1577, 1 U.S.P.Q.2d 1593, 1605 (Fed. Cir. 1987) (“[T]hat the elements noted by the court lay about in the prior art available for years to all skilled workers, without, as the court found, suggesting anything like the claimed inventions, is itself evidence of nonobviousness.””).

In conclusion as to the rejection of this first group of claims, the Examiner's obviousness rejection is improper because: 1) as a whole the references do not teach or suggest all the limitations of the claims and therefore even a combination of their teachings does not render claim 14 obvious, 2) Margulis's image correction is unsuited for distortion of one or both images of a stereoscopic image pair to improve the stereoscopic match between the images, and 3) there is no suggestion or motivation expressed in the references to modify either Margulis or Craig by distorting one or both of its stereoscopic pair of images.

**2. Group II of the claims, consisting of claims 18 and 19, was rejected as unpatentable under 35 U.S.C. 103(a) over Margulis in view of Craig.**

To begin, claims 18 and 19 are dependent on claim 14, which is patentable over the references as established above. Accordingly, claims 18 and 19 are themselves patentable.

There are additional reasons why claims 18 and 19 are patentable. Margulis discloses a complex image processing system. Column 4 is background material that describes, generally, stereoscopic display systems. At column 11 lines 40-43, column 12 lines 45-63, column 13 lines 37-43 and column 16 lines 43-50, Margulis describes correcting the displayed image so that when it is projected on a curved screen, the distortions associated with the curved screen will be filtered out, and also describes correcting image distortion such as keystoneing to precompensate for projection distance differences.

Margulis does not disclose the use of a viewing device located between the viewer's eyes and the image display, the viewing device re-angling the optical axis of at least one eye so that each eye generally targets the center of a respective one of a pair of images making up the displayed image. Accordingly, Margulis' image correction does not counteract image distortion caused by the viewer's perspective relative to the image (claim 18), or image mismatch caused by the viewing device (claim 19). In fact, Margulis is primarily directed at correcting distortions so that the displayed image is not distorted, so would have no need to even consider counteracting image distortion caused by the viewer's perspective relative to the image, or image mismatch caused by a viewing device. Craig does not recognize the need for improvement of the stereoscopic match for any reason.

As neither reference teaches image distortion to counteract distortion caused by the viewer's perspective relative to the image or to counteract image mismatch caused by the viewing device, the claims are patentable over the references.

**3. Group III of the claims, consisting of claims 41 and 42, was rejected as unpatentable under 35 U.S.C. 103(a) over Margulis in view of Craig.**

As described above, neither reference teaches distortion of at least one image of a stereoscopic pair of images for any reason; in fact, Margulis teaches directly away from distortion, instead teaching correction of the monocular images. Thus, claims 41 and 42 are clearly patentable. Also, for the reasons described above, it is improper under the law to combine the references in order to accomplish distorting at least one image, as set forth in both claims 41 and 42. Accordingly, claims 41 and 42 are patentable over the references.

For the above reasons, the Appellant respectfully submits that all the claims are patentable over the references of record. Allowance is respectfully requested.

Respectfully submitted,



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## VIII. CLAIMS APPENDIX

1-13. (previously canceled)

14. A system for stereoscopic viewing of an image, comprising:

means for displaying upon a generally flat surface a conventional stereoscopic pair of images, proximate but separately from one another;

means for improving the stereoscopic match between the two images as viewed, by distorting at least one of the images; and

an optical device adapted to be placed in front of and proximate to a viewer's eyes, which device is worn by the viewer or held by the viewer as though worn, and comprising means for re-angling the optical axis for at least one eye, so that each eye generally targets the center of a respective one of the pair of images.

15. The system of claim 14, in which the images are arranged one above the other.

16. The system of claim 14, in which the optical axis for exactly one eye is reangled.

17. The system of claim 16, in which the images are arranged one above the other.

18. The system of claim 14, in which at least one image is deliberately distorted prior to display, to counteract distortion caused by the viewer's perspective relative to the image.

19. The system of claim 14, in which at least one image is deliberately distorted prior to display, to counteract image-mismatch caused by the viewing-device.

20. (previously canceled)

21. The system of claim 14, wherein said images are displayed upon a surface large enough to subtend an immersive portion of the viewer's visual field.

22. The system of claim 14, wherein said images comprise the display for a video-game.

23. The system of claim 14, wherein said images comprise a televised display of still- or

motion-picture images.

24. The system of claim 14, wherein said images comprise a computer-graphics display of still- or motion-picture images.

25. The system of claim 14, wherein said optical device comprises a pair of mirrors for each re-angled eye.

26. The system of claim 14, wherein said optical device comprises a prism for each re-angled eye.

27-40. (previously canceled)

41. An image display structure for displaying an image upon a generally flat surface, wherein a viewer viewing the image views through a viewing device located between the viewer's eyes and the generally flat surface, the viewing device re-angling the optical axis of at least one eye so that each eye generally targets the center of a respective one of a pair of images making up the displayed image, the image display structure comprising:

a conventional stereoscopic pair of images, the images proximate but separate from one another, wherein at least one image is deliberately distorted prior to display, to counteract distortion caused by the viewer's perspective relative to the image.

42. An image display structure for displaying an image upon a generally flat surface, wherein a viewer viewing the image views through a viewing device located between the viewer's eyes and the generally flat surface, the viewing device re-angling the optical axis of at least one eye so that each eye generally targets the center of a respective one of a pair of images making up the displayed image, the image display structure comprising:

a conventional stereoscopic pair of images, the images proximate but separate from one another, wherein at least one image is deliberately distorted prior to display, to counteract image-mismatch caused by the viewing-device.

## **IX. EVIDENCE APPENDIX**

None.

## **X. RELATED PROCEEDINGS APPENDIX**

None.